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IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION

Report of the Secretary-General

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Introduction

1. The General Assembly, in its resolution 38/14 of 22 November 1983, proclaimed the 10-year period beginning on 10 December 1984 the Second Decade to Combat Racism and Racial Discrimination. The General Assembly also approved the Programme of Action for the Second Decade annexed to the resolution, and called upon all States to cooperate in its implementation. The General Assembly also requested the Economic and Social Council to take charge, with the help of the Secretary-General, of coordinating the implementation of the Programme of Action and of evaluating the activities undertaken during the Second Decade.

2. The Programme of Action for the Second Decade covers, inter alia: action to combat apartheid; education, teaching and training; dissemination of information and the role of the mass media in combating racism and racial discrimination; measures for the promotion and protection of the human rights of persons belonging to minority groups, indigenous populations and peoples and migrant workers who are subjected to racial discrimination; recourse procedures for victims of racial discrimination; implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and related international instruments; national legislation and institutions; seminars and studies; action by non-governmental organizations; and international cooperation.

3. The General Assembly, by its resolution 39/16 of 23 November 1984, invited the Secretary-General to proceed with the implementation of the plan of activities for the period 1985-1989 for the implementation of the Programme of Action for the Second Decade (see A/39/167-E/1984/33 and Add.1-2).

4. By its resolution 42/47 of 30 November 1987, the General Assembly urgently requested the Secretary-General to ensure the effective and immediate implementation of the activities proposed for the first half of the Decade which had not yet been undertaken, approved the plan of activities proposed for the period 1990-1993 contained in the annex to the resolution, and invited the Secretary-General to proceed with the implementation of the plan.

5. The Commission on Human Rights considers each year the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination; at its forty-eighth session, it adopted resolution 1992/8 of 21 February 1992 on this subject. In that resolution, the Commission invited all Governments and international and non-governmental organizations to increase and intensify their activities to combat racism, racial discrimination and apartheid, and to provide relief and assistance to the victims of these evils. It decided that the topic for thematic consideration for 1993 would be "Global survey on the extent of dissemination of the International Convention on the Elimination of All Forms of Racial Discrimination".

6. The Commission took note of the report of the Meeting of Experts to review the experience of countries in the operation of schemes of internal self-government for indigenous peoples (E/CN.4/1992/42 and Add.1), which took place at Nuuk, Greenland, from 24 to 28 September 1991. It welcomed the publication of the compilation of national legislation against racism and

racial discrimination (HR/PUB/1990/8) and requested the Secretary-General to transmit it to Governments as soon as possible. It also recommended that the General Assembly take appropriate steps, in due course, to launch a third decade to combat racism and racial discrimination to begin in 1993.

7. In the same resolution, the Commission requested the Secretary-General to inform it at its forty-ninth session, of the progress made in carrying out the plan of activities for the period 1992-1993 so that it could make its contribution thereto. The present report is prepared pursuant to that request.

I. ECONOMIC AND SOCIAL COUNCIL

8. The Economic and Social Council, at its 1992 substantive session, considered the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination; in that connection, it had before it the report of the Secretary-General (E/1992/66). The Council, in its resolution 1992/13 of 30 July 1992, took note with appreciation of the report of the Secretary-General on the implementation of the Programme of Action and reaffirmed the importance of achieving the objectives of the Second Decade to Combat Racism and Racial Discrimination. The Council noted that, despite the efforts of the international community, the principal objectives of the First and Second Decades for Action to Combat Racism and Racial Discrimination had not been attained, and that millions of human beings continue to be victims of varied forms of racism, racial discrimination and apartheid. It also indicated that it was deeply concerned about the prevalence of racism and racial tensions as well as the rising tide of xenophobia.

9. The Council, in that resolution, urged the Government of South Africa to exercise its responsibility to end the violence in that country and thus sustain the emerging political climate, which is conducive to the abolition of the system of apartheid; it appealed to the international community to give its concerted support to the vulnerable and critical process now under way in South Africa through a phased application of appropriate pressure on the South African authorities, as warranted by developments.

10. The Council also requested the Secretary-General to continue with the implementation of the activities for the period 1990-1993, and further requested him to continue to accord the highest priority to measures to combat apartheid. It recommended that, in 1993, the General Assembly proclaim a third decade to combat racism and racial discrimination, and requested the Secretary-General to prepare a draft programme for the third decade for submission to the forty-seventh session of the General Assembly. The draft should take into account, inter alia, the activities under the Programme of Action for the Second Decade that have not yet been implemented.

11. Finally, the Council had decided to continue to accord the highest priority to the agenda item entitled "Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination".

II. COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

12. During its forty-first session, which was held in Geneva from 3 to 14 August 1992, the Committee on the Elimination of Racial Discrimination continued consideration of the draft model legislation against racism and racial discrimination prepared by the Secretary-General and drew up a series of proposals for possible inclusion in a programme of action for a third decade.

A. Model legislation against racism and racial discrimination

13. The draft model legislation against racism had previously been considered by the Committee at its fortieth session in 1991. Some members of the Committee had at the time stated that the draft should distinguish legislative provisions strictly speaking from guiding principles and other measures proposed in the text. In the view of some members, the draft legislation sought mainly to enforce the prohibition of racial discrimination through criminal provisions whereas the use of incentives, training and education would be more effective in combating racial discrimination. Members of the Committee had also commented that the part of the text dealing with recourse procedures should have differentiated more clearly between the different forms of racial discrimination and the different settings in which it occurs. For example, racial abuse or incitement to racial hatred were defined in many States as offences against public order and should be dealt with in the same way as other offences so defined. Since they required an immediate response, it was not appropriate for them to be reported to any independent national authority dealing with racial discrimination.

14. At its forty-first session the Committee drew attention to its previous comments, supplemented them with observations on both the form and substance of the draft model legislation and requested the Centre for Human Rights to revise the draft and to resubmit it to the Committee at its forty-second session.

B. Third decade to combat racism and racial discrimination

15. The Committee also considered the question of the launching of a third decade to combat racism and racial discrimination and, in that connection, examined an informal document containing a list of 10 topics relating to action to combat racism and racial discrimination prepared by one of its members. The Committee requested that the document should be transmitted to the Commission to serve as a basis for considering the programming of activities in a possible third decade. The following themes have been proposed:

1. The eradication of incitement to racial hatred and discrimination, including the prohibition of propaganda activities and of organizations involved in it;

2. The right to equal treatment before tribunals and by institutions, including the provision of reparation for damages suffered as a result of discrimination;

3. Political rights, including the participation of various racial groups in political processes and their representation in government service;

4. Civil rights, including migration, nationality, freedom of opinion and association;

5. Economic rights, including work, trade union membership and housing;

6. Social and cultural rights, including health and education;

7. Educational measures to combat racial prejudice and discrimination and to propagate the principles of the United Nations;

8. The protection of disadvantaged groups; this may include consideration of the position of indigenous peoples;

9. The transmission of racial inequality from one generation to another, with special reference to the children of migrant workers and the appearance of new forms of segregation;

10. International cooperation in the elimination of racial discrimination, including cooperation between States, the contribution of non-governmental organizations, national and regional institutions, United Nations bodies and petitions to treaty-monitoring bodies.

III. SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

16. During its forty-fourth session (3-28 August 1992), the Sub-Commission on Discrimination and Protection of Minorities discussed a number of matters relating to the Second Decade. The Sub-Commission first studied the question of the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime of South Africa. In that regard, it had before it the most recent report of its Special Rapporteur, Mr. Ahmed Khalifa (E/CN.4/Sub.2/1992/12 and Add.1).

17. Desirous of placing its future work in the context of the events taking place in South Africa, in resolution 1992/6 of 21 April 1992, the Sub-Commission recommended that the Commission on Human Rights should appoint a special rapporteur from among the members of the Sub-Commission to report on the progress towards democracy, equality and social justice in South Africa. The task of the special rapporteurs would include:

(a) Steps taken in accordance with international human rights instruments to prevent violence between different groups in South Africa;

(b) Steps taken to investigate the alleged involvement of the South African security forces in fomenting violence and how this problem is being addressed;

(c) Steps taken to ensure equal political participation for all South Africans, including those removed under the apartheid system to the so-called homelands;

(d) Steps taken to ensure the enjoyment by all South Africans, without discrimination, of economic and social rights;

(e) An analysis of the obstacles preventing the democratization of South Africa and ways and means of eliminating them.

18. The Sub-Commission also studied with considerable interest the question of measures to combat racism and racial discrimination. In this regard, it adopted resolution 1992/5, in which it expressed its deep concern at the information contained in the report of the Secretary-General (E/CN.4/Sub.2/1992/11) about serious events attributable to racism, racial discrimination and xenophobia that take place in any part of the world. Conscious that the scourges of racism and racial discrimination are continually assuming new forms, requiring a periodic re-examination of the methods used to combat them, the Sub-Commission recommends that the Commission on Human Rights should appoint a special rapporteur to address the issue of contemporary forms of racism, racial discrimination and xenophobia.

IV. GENERAL ASSEMBLY

19. At its forty-seventh session, the General Assembly, in connection with its consideration of the agenda item on the implementation of the Programme of Action for the Second Decade, had before it a report by the Secretary-General on the launching of a third decade to combat racism and racial discrimination (A/47/432). Following its consideration of the document, the General Assembly adopted resolution A/C.3/47/L.3/Rev.1. It decided that the international community, in general, and the United Nations, in particular, should continue to give the highest priority to programmes for combating racism, racial discrimination and apartheid and intensify their efforts, during the latter part of the Second Decade to Combat Racism and Racial Discrimination, to provide assistance and relief to the victims of racism and all forms of racial discrimination and apartheid. It appealed to all Governments and to international and non-governmental organizations to increase and intensify their activities to combat racism, racial discrimination and apartheid and to provide relief and assistance to the victims of these evils.

20. The General Assembly regretted that most of the activities scheduled for the period 1992-1993 have not been implemented because of lack of financial resources and called upon the international community to provide the Secretary-General with appropriate financial resources for an efficient action against racism and racial discrimination. The General Assembly also took note of the report of the Secretary-General on the launching of a third decade to combat racism and racial discrimination and requested him to prepare a draft programme of action for the third decade and to submit it to the General Assembly at its forty-eighth session. This programme should include those elements of the Programme of Action for the Second Decade that have not been implemented. The General Assembly further requested the

Secretary-General to accord the highest priority to the activities of the programme of action for the third decade aimed at monitoring the transition from apartheid to a non-racist society in South Africa.

21. The General Assembly also invited the Commission on Human Rights, at its forty-ninth session, to recommend activities to be undertaken during the third decade to combat racism and racial discrimination.

22. Finally, it is important to draw the attention of the Commission to resolution A/C.3/47/L.9/Rev.2 relating to ethnic cleansing and racial hatred by which the General Assembly, at its forty-seventh session, strongly rejected policies and ideologies aimed at promoting racial hatred and ethnic cleansing in any form.

V. IMPLEMENTATION OF ACTIVITIES UNDER THE SECOND DECADE

23. Since the adoption of the plan of activities for the Second Decade (General Assembly resolution 42/47 of 30 November 1987), the Secretary-General has been reporting regularly to the General Assembly, the Economic and Social Council and the Commission on Human Rights on the progress made in implementing the plan of activities of the Second Decade. As reflected in the annual reports submitted to the General Assembly and to the Economic and Social Council, a large number of the activities under the Second Decade have already been executed.

A. Seminars

24. The organization of seminars and consultations is an important part of the overall programme. The seminars provide forums for experts in the various manifestations and forms of racial discrimination to meet, discuss and highlight issues of importance in the fight against racial discrimination and lead to the formulation of recommendations and plans for the continuing fight against racial discrimination. Reference may be made to the following seminars:

- Seminar on the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and States (E/CN.4/1989/22).

- Seminar on cultural dialogue between the countries of origin and the host countries of migrant workers (E/CN.4/1990/50).

- Seminar on the political, historical, economic, social and cultural factors contributing to racism and racial discrimination and apartheid (E/CN.4/1991/63 and Add.1).

- Meeting of experts to review the experience of countries in the operation of schemes of internal self-government for indigenous peoples (E/CN.4/1992/42 and Add.1).

25. The Commission on Human Rights, in its resolution 1991/11 of 22 February 1991, requested the Secretary-General to organize in 1991 a meeting of representatives of national institutions and organizations

promoting tolerance and harmony and combating racism and racial discrimination with a view to exchanging experience on the promotion of such objectives; lack of financial resources prevented the organization of this seminar in 1992. It is now planned to organize the meeting in Sydney, Australia, in April 1993, in cooperation with the Australian Government, should additional resources be made available to the Secretary-General, in accordance with General Assembly resolutions 42/47, 44/52 and 45/105. The topics selected will address psychological and socio-economic approaches in the promotion of tolerance and harmony between races, the impact of legislation and the role of protagonists in civil society in combating racism and racial discrimination.

B. Publications

26. The elimination of racism and racial discrimination is a key element in the overall United Nations human rights programme and a particular effort is made to publish information relating to the subject. In the Human Rights Fact Sheets series, the following have been published in the six official languages: Fact Sheet No. 5, Global Consultation on Racism and Racial Discrimination; Fact Sheet No. 9, The Rights of Indigenous Peoples; Fact Sheet No. 12, The Committee on the Elimination of Racial Discrimination.

27. In the general publications of the Centre, the following have been published: Report of the Seminar on the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and States (HR/Pub/89/5); The First Twenty Years: Progress report of the Committee on the Elimination of Racial Discrimination (HR/Pub/91/4); Global compilation of national legislation against racial discrimination (HR/Pub/90/8; French version in preparation). The Manual on Human Rights Reporting (HR/Pub/91/1; French version in the process of being published) includes chapters on reporting under the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid. Finally, the study on the results achieved and obstacles encountered during the first Decade to Combat Racism and Racial Discrimination (E/CN.4/Sub.2/1989/8 and Add.1) prepared by Mr. Eide was distributed in 1992.

C. Studies

28. The Secretary-General is preparing within the context of the Decade's plan of activities the following studies which will be published in 1993:

(a) Model legislation for the guidance of Governments in the enactment of further legislation against racism and racial discrimination. A draft text was brought to the attention of the Committee on the Elimination of Racial Discrimination during its fortieth and forty-first sessions for observations and comments. The text will then be revised and issued in the light of the Committee's comments and suggestions (see paras. 13 and 14 above).

(b) The handbook of recourse procedures available to victims of racism and racial discrimination is being finalized;

(c) The study on the effects of racial discrimination on children belonging to minorities, particularly children of migrant workers, in the field of education, training and employment is almost completed;

(d) The technical study on the impact of article 27 of the International Covenant on Civil and Political Rights in providing guarantees of equality to persons belonging to minorities is being revised.

VI. TRUST FUND FOR THE PROGRAMME FOR THE DECADE FOR ACTION TO COMBAT RACISM AND RACIAL DISCRIMINATION

29. Since the latest report of the Secretary-General (E/CN.4/1992/30), the following States have contributed to the Trust Fund for the Second Decade: Bangladesh, US$ 448.85 and St. Vincent and the Grenadines US$ 1,000. The balance available (as of 12 November 1992) stands at US$ 39,137. The current status of the Trust Fund continues to be far from encouraging, despite the repeated appeals for voluntary contributions made by the General Assembly, the Economic and Social Council and the Secretary-General. Further contributions are urgently needed to provide the supplementary resources required to implement the various activities envisaged in the Programme of Action for the Second Decade.

Conclusion: perspectives for a third decade

30. The imminent proclamation of a third decade to combat racism and racial discrimination calls for further thought about the causes of the continued existence or the mutation of the phenomenon of racism and requires a definition of the overall problems of confrontations among human communities whether they are due to cultural, ethnic, national, racial or religious differences or to the competition for material resources.

31. In many regions of the world, racial or ethnic antagonism persists or comes about as a result of myths or racial prejudices that have edified or continue to edify individuals. However, it has been recognized that prejudices and myths about what is called racial or cultural superiority are simply a rationalization of the economic and social disparities imposed by one human group on another or other human groups. It is therefore important to consider the mental processes that generate racism and racial discrimination and to attack their causes. It would also be appropriate to call into question the economic and social structures which, whether overtly or subtly, perpetuate the inequalities among human beings. The problem might be broached from the viewpoint of education and the law, not simply education in the generic meaning of the word but also human rights education in order to supplant an obsessive hatred and rejection of others by tolerance. From a legal point of view, States should, at the domestic level, not only elaborate new legal instruments to contain outbreaks of xenophobia and racism, but also to take stock of existing legislation in order to uncover the slightest incitement to racial discrimination.

32. Thought might also be given to nationalism and ethno-nationalism as by-products of the nationality of peoples. It would be appropriate to ask oneself how it is that the realization of membership or the will to consolidate membership of an ethnic or national group in most situations leads

to a denial of the existence of other human communities and to policies of domination and inferiorization. Is the policy of "ethnic cleansing" which is being applied in certain regions an epiphenomenon or the tragic sign of a compulsion rooted deep in many societies? It is important to design new machinery capable of guaranteeing peaceful coexistence within multi-ethnic or multi-racial societies.

33. The search for suitable methods of combating racism and racial discrimination is no substitute for broaching a reform of international relations in general. The major imbalances existing at the end of this century, and in particular the economic and demographic imbalances between the Northern hemisphere and the Southern hemisphere generate every kind of fear which worldwide over-mediatization helps to exacerbate. Consequently, to couch the problem, for instance, of migratory flows in terms of an invasion and a threat to national balance would falsify any study of the problem and encourage talk and methods of exclusion of every kind on the part of people who are impelled by the internationalization of companies and economies to draw a little closer each day. In order to relieve the distress and to leave behind a logic of confrontation, one might formulate a policy of multi-dimensional international cooperation which combines the requirement of respect for human rights, including respect for the principles of equality and non-discrimination, with economic assistance and better balanced trade. In so doing, the internationalization of racial discrimination itself would be averted.

34. The study of the causes of racism and racial discrimination should take account of the ongoing geo-strategical upheavals: indeed, it must be borne in mind that the attempts to dismember or re-group political spaces in many regions of the world are fuelled by racial and ethnic hatreds to a point where the new world order which was awaited with hope is turning increasingly into a world disorder. Consequently, it would seem well advised to anticipate possible conflicts by identifying areas of latent hostility from now on.

35. It is clear that an effective strategy to combat racism and racial discrimination requires conceptual and methodological reappraisals that lead to a better definition of the parameters for action and make it possible to achieve with certainty, or at least with a smaller margin of error, the objectives sought, as it would seem that racism must henceforth be defined in the plural and include all forms of exacerbated ethno-racism and nationalism. The above stated prolegomena together with the elements of a draft programme of action for a third decade to combat racism and racial discrimination contained in the report of the Secretary-General to the General Assembly (A/47/432) and the proposals of the Committee on the Elimination of Racial Discrimination might serve as a basis for the debate to be initiated at the current session of the Commission on Human Rights on the question of racism and racial discrimination.